

new independent claim 5 and dependent claim 6 recite the subject matter of original claim 1. Additional support for the new claims can be found in the original claims and pages 13-14 of this specification. Accordingly, is respectfully submitted that claims 5-20 are fully supported by the detailed specification and add new matter to the application.

Claims 1-4 were rejected under 35 U.S.C. 102(e) as anticipated by either U.S. Patent No. 5,997,817 to Crismore et al. (hereinafter "Crismore") or by U.S. Patent No. 6,077,660 to Wong et al. (hereinafter "Wong"). The rejections are traversed and it is respectfully submitted that the now claimed subject matter is patentable within the meaning of 35 U.S.C. 102.

Independent claim 5 is directed to a glucose sensor comprising a base plate an electrode system and a reaction layer. The reaction layer now recites that it contains either phthalic acid or a phthalate and a glucose dehydrogenase whose coenzyme is pyrrolo-quinoline quinone.

In contrast neither Crismore nor Wong disclosed a glucose sensor having a reaction layer, where the reaction layer contains phthalic acid or a phthalate. Further, it should be noted that the Applicant has discovered that the use of a phthalic or phthalate acid produces a glucose sensor exhibiting excellent stability against preservation and superb response characteristics with a very low blank value (see, e.g., the second paragraph on page 10 and the results shown in Table 2 on page 24 of the specification). Hence, is respectfully submitted that one of ordinary skill in the art would not have been realistically motivated to modify the express teaching of either Crismore or Wong to arrive at the claimed subject matter, absent reliance on Applicant's disclosure.


09/406,832

Accordingly, favorable consideration and allowance of the claims now in the application are respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Daniel Bucca, Ph.D.

Registration No. 42,368

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 DB:amt:ajb  
**Date: August 16, 2001**  
Facsimile: (202) 756-8087